

RESTRICTED Instructions On File*

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SPECIAL REGULATIONS
No. 380-320-2

DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C., 10 August 1949

MILITARY SECURITY

COUNTERINTELLIGENCE INVESTIGATIVE AGENCIES

SUPPLEMENTARY AGREEMENTS

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1. **General.**—Set forth below are supplements to the agreement for coordination among the Intelligence Division, General Staff, United States Army; the Office of Naval Intelligence; the Federal Bureau of Investigation; and the Office of Special Investigations, Inspector General, United States Air Force, published in SR 380-320-1.

2. **Applicability.**—These supplementary agreements are binding upon the counterintelligence investigative agencies of the Army and are to be attached to and made a part of the agreement already published.

3. **Supplemental Agreement to the Delimitations Agreement No. I.**—*Cooperation and coordination between the Federal Bureau of Investigation, the Intelligence Division of the Army, the Office of Naval Intelligence and the Office of Special Investigations, Inspector General, U. S. Air Force.*—

The Director of Intelligence, U. S. Army, the Director of the Federal Bureau of Investigation, the Director of Naval Intelligence and the Director of the Office of Special Investigations, Inspector General, U. S. Air Force, with a view to promoting the closest possible cooperation and coordination between the Field Services of these agencies agree that the following recommendations will be transmitted to their field installations:

a. Special Agents in Charge of the Federal Bureau of Investigation Divisional Offices, Military Intelligence Officers of the pertinent Armies, District Officers of the Office of Special Investigations, Inspector General, U. S. Air Force, and Naval District Intelligence Officers will maintain close personal liaison between those offices and their representatives, including a meeting of representatives of the four agencies, preferably the officers in charge, at least twice per month, for the purpose of discussing pending and contemplated investigative activities,

*These regulations supersede DA letter (AGAO-S 250.1 Loyalty (22 Sep 47) CSGID), 24 September 1947, subject: Investigations of Civilian Components of the Army; and ASF letter (SPX 230.741 (14 Apr 44) OB-S-SMGP-M), 18 April 1944, subject: Loyalty Investigations of Civilian Employees of Privately Operated Facilities of Importance to the War Effort.

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and any other subject necessary to insure that there is proper coordination of their investigative work.

b. The close personal liaison to be maintained between representatives of the four agencies at all times should insure that there is no duplication of effort in any field, and that a proper coverage of the whole investigative field is maintained. Particular attention should be paid to avoiding any duplication in connection with the use of informers.

c. A distinction should be recognized between the investigative interest of individual agencies and the coverage interest. It is believed that all four agencies should study, from time to time, the coverage of the investigative field in order to insure that all channels of interest and avenues of information are adequately covered by at least one of the participating agencies.

d. Where there is doubt as to whether or not one of the other agencies is interested in information collected, it should be transmitted to the other agency.

e. Consideration should be given to the fact that certain classes of information are of general interest to the Military, Naval, and Air Force Intelligence Services in connection with background and knowledge of espionage and sabotage organizations, even though the Military, Naval, and Air Force Intelligence Services may have no apparent direct investigative interest.

f. Should differences of opinion of a minor nature occur, the directors of the four intelligence agencies feel that with proper personal liaison, such differences can be satisfactorily adjusted locally by the officials in charge of the various divisional organizations.

4. Supplemental Agreement to the Delimitations Agreement No. II.—This agreement is purposely omitted since it is not a matter of Department of the Army interest.

5. Supplemental Agreement to the Delimitations Agreement No. III.—*Investigative Jurisdiction on Vessels of Army Transport Service.*—

a. The investigative jurisdiction of all activities under the categories of espionage, counterespionage, subversion and sabotage on vessels of the Army Transport Service is as follows:

(1) Investigative jurisdiction on vessels purchased by the Army will be the responsibility of the Intelligence Division of the Army.

(2) Vessels obtained by the Army through a "bare boat charter" will be under the investigative jurisdiction of the Intelligence Division of the Army.

(3) Vessels allocated to the Army Transport Service which are manned and supervised by their private owners are under the investigative jurisdiction of the FBI.

b. When personnel who are subjects of an investigation under (1) or (2) above reach a U. S. port or a port where the FBI has a field agency, or prior to reaching such port, if practicable, the Department of the Army will promptly furnish the FBI all pertinent information concerning the investigation. If personnel who are subjects of an investigation as above remove themselves from the vessel upon arrival of the vessel in port and further surveillance is considered necessary, the Army will continue surveillance until notified by the FBI at local level that the FBI has taken over full responsibility for the case. However, both the Army and the FBI will make every effort to transfer responsibility upon arrival of the vessel at the port.

c. When the FBI opens an investigation under (3) above or when an FBI investigation in progress develops or is believed about to develop ramifications

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under (1), (2) or (3) above, the FBI will promptly furnish all pertinent information to the Army and will thereafter coordinate its actions with the Army whenever and wherever deemed necessary to insure proper pursuit of the case.

6. Supplemental Agreement to the Delimitations Agreement No. IV.—Investigation of Private Contractors of the Armed Forces.—

It is agreed by the subscribers of the Delimitations Agreement (hereinafter referred to as subscribers) that with reference investigations of civilian employees, applicants for employment, directors and key personnel of privately owned plants and facilities, working or bidding on contracts important to the Army, Navy or Air Force (hereinafter referred to as the Armed Forces) procurement, the following will be followed insofar as practicable. Exceptions thereto will be adjusted by mutual agreement between the subscribers concerned.

(1) The Armed Forces will conduct background investigations of such persons unless there is a particular reason for requesting that an investigation be conducted by the FBI or the FBI has a special interest in a particular case and has notified the Armed Forces of such interest.

(2) The FBI will conduct complaint investigations of such personnel upon specific request in each case by one or more of the Armed Forces. If one of the Armed Forces has no further need for an investigation requested, but not completed, prompt notification will be made to the FBI.

(3) Investigations conducted by the Armed Forces under (1) above will be terminated and all information passed to the FBI when credible derogatory information of a loyalty nature is uncovered. Upon receipt of such a case, the FBI will proceed as under (2) above if one of the Armed Forces so requests.

(4) When one of the subscribers is aware that another is conducting an investigation on a person or firm identical or closely connected with a person or firm it contemplates investigating, no investigation will be undertaken without the consent of the subscriber which has an investigation in progress. The investigation agency will make available to the other interested agency copies of the reports of the investigation made.

(5) Normally, identity of confidential informants will not be communicated from one subscriber to another; however, when such communication occurs, the receiving subscriber will employ the highest possible safeguards to insure that such informants are not compromised. No transmittal of information concerning confidential informants to a third subscriber or to another agency is authorized except by specific consent of the originator.

(6) A subscriber who receives a report of investigation from another subscriber may freely transmit copies of such reports to a third subscriber except as provided in (5) above.

(7) A report of completed investigation received by the Armed Forces from the FBI will not be reopened without the approval of the FBI except to obtain additional background information. In such case, the FBI will be furnished copies of all information obtained. Other information required by the Armed Forces will be requested of the FBI.

(8) If one of the Armed Forces requests the FBI to conduct an investigation or to conduct additional investigation as provided under (7) above, and if for any reason the FBI declines or is unable to conduct such investigation or additional investigation, the Armed Force concerned may proceed with the investigation. The FBI will be furnished copies of the results thereof if the

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FBI so requests or if the Armed Force concerned considers the results to be of FBI interest.

(9) Nothing above is to be construed as altering the basic Delimitations Agreement of 1949 or current agreements concerning subversive organizations.

7. Supplemental Agreement to the Delimitations Agreement No. V.—Investigation of Reserve and Civilian Components of the Armed Services.—

It is agreed by the subscribers to the Delimitations Agreement that the Army, the Navy and the Air Force may conduct background investigations on members of the inactive reserve and National Guard who are anticipated being called back to active duty, or where an investigation is undertaken for the purpose of determining whether the individual should be disenrolled from his military status, or to determine whether the individual may be granted access to classified military information. The following procedures shall be pursued in each of the above circumstances:

(1) The Intelligence agencies of the Army, Navy or Air Force before undertaking such background investigation will consult the FBI to determine: (a) if the FBI has an investigation in progress; if so, no investigation will be undertaken by the intelligence agencies except as may be mutually agreeable to the Armed Force concerned and the FBI; (b) if the FBI already has made an investigation; if so, the results will be made available to the other agencies; (c) if the FBI has information on the individual, even though it may not have conducted an investigation.

(2) If, after consulting the FBI, investigation is undertaken by the other agencies, it will be pursued no further than is necessary to make the determination required by the other agencies, and all information developed pertinent to the four categories will be furnished promptly to the FBI.

[AG 383.4 (22 Jul 49)]

By ORDER OF THE SECRETARY OF THE ARMY:

OFFICIAL:

EDWARD F. WITSELL,

Major General

The Adjutant General

OMAR N. BRADLEY

Chief of Staff, United States Army

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U. S. GOVERNMENT PRINTING OFFICE: 1949